

Virginia Regulatory Town Hall Agency Background Document Notice of Intended Regulatory Action (NOIRA)

Agency Name: Virginia Department of Social Services
VAC Number: 22 VAC 40-35-10, 22 VAC 40-35-90
Regulation Title: VIEW Employment and Training Transitional Services
Action Title:
Date: December 1, 1999

Basis:

A statement identifying and describing the source(s) of the state and/or federal legal authority to promulgate the contemplated regulation, the scope of the authority provided, and the extent to which the authorized rulemaking is mandatory or discretionary, together with an attached copy of all cited legal provisions.

The 1999 Virginia Acts of Assembly (1-98, 399.G, page 341) provides the authority to provide up to one year of employment and training services, if needed, to former VIEW cases that were not sanctioned under VIEW at the time their TANF case closed. Though the law has not specifically stated that regulations need to be promulgated, the regulation is needed for the purpose of implementing the law in those areas, where the legislation has not defined crucial terms such as “employment and training services” or “if needed”.

Purpose:

A statement setting forth the reasoning by which the agency has concluded that the contemplated regulation is essential to protect the health, safety or welfare of citizens or for the efficient and economical performance of an important governmental function, including a discussion of the problems the regulation’s provisions are intended to solve.

Local agencies have reported that VIEW participants, who have left at the end of twenty-four months, though employed are employed in low wage employment. These participants still need further assistance to maintain employment and also to obtain employment at higher wages that will allow self-sufficiency. The employment and training services that this regulation provides will enable localities to provide these services to the participant who has left the VIEW program after twenty-four months.

Substance:

A statement delineating the potential issues to be addressed in the proposed regulation, with any preliminary regulatory language that has been developed is attached.

The proposed regulation will address the definitions of “employment and training services” and “if needed”.

Alternatives:

A statement describing the process by which the agency has considered, or will consider, less burdensome and less intrusive alternatives for achieving the essential purpose (identified in I.c. above), the alternatives considered or to be considered (to the extent known), and the reasoning by which the agency has rejected any of the alternatives considered.

The Department considered not promulgating a regulation to address this legislation, however, the absence of definition of the terms “employment and training” and “if needed” would result in localities inconsistently applying the law across the State. Inconsistent application would lead to some participants being unable to access needed services.